



CITY OF STAYTON

APPLICATION FOR MINOR MODIFICATION TO APPROVED PLANS OR EXISTING DEVELOPMENTS

APPLICATION AND DECISION MAKING PROCEDURES

1. PRE-APPLICATION MEETING

Prior to submittal of an application, a pre-application meeting with City Staff is required. A completed pre-application form and sketch plan drawing need to be submitted at least 7 days in advance of the meeting. Meetings are held every Tuesday afternoon and there is no fee for the first required pre-application meeting.

2. APPLICATION FEE

Submission of a completed application form, with a plan and attachments, and payment of the application fees are required before the review process begins. The application and fees shall be submitted to the Planning Department during regular business hours. **The fee for this application is \$500.** If the cost to the City does not reach the amount of the fee paid, the excess fee will be refunded to the applicant after the file is closed. If during the processing of the application, the costs to the City exceed 75% of the fee paid, the applicant will be required to pay an additional 50% of the fee amount, to assure that there are adequate funds to continue to process the application.

3. REVIEW FOR COMPLETENESS AND NOTIFICATION OF NEIGHBORING PROPERTY OWNERS

The City Planner will review the submitted application for completeness and, within 30 days from the date of submittal, determine if the applicant has provided all required information. If the application is incomplete, the City Planner will notify the applicant of the items which need to be submitted. Once the application is deemed complete, the Planner will send a notice to owners of neighboring property, other city departments, and other governmental agencies and utilities.

4. STAFF DECISION

No less than 20 days after notification, the City Planner will prepare an order containing a decision. The order will include findings of fact, conclusions as to compliance with the appropriate standards and criteria for approval, and will either approve, approve with conditions, or deny the application. A notice of decision will be sent to the applicant the owners of all property within the notification area and the Planning Commission.

5. PUBLIC HEARING BEFORE THE STAYTON PLANNING COMMISSION

Following the Staff decision, any member of the Stayton Planning Commission may “call up” the application for a hearing before the Commission. Alternately, any person affected by the decision may appeal the Staff decision to the Commission. Prior to the public hearing, notice is required to be sent to all property owners within 300 feet of the property 20 days before the hearing, so the hearing will be scheduled at the first regular meeting following the notice period. The hearing is to give all interested parties an opportunity to comment on the application. The hearing is conducted by the Chairperson in accordance with the Stayton Public Hearing Rules of Procedure. These rules are available at City Hall.

At the conclusion of the hearing and deliberation, the Planning Commission will adopt an order stating the decision criteria, findings of fact, conclusions whether the application meets any applicable standards and the Commission’s decision. The Commission may decide to deny, approve, or approve the application with conditions.

6. PUBLIC HEARING BEFORE THE STAYTON CITY COUNCIL

An application may be called up by, or appealed to the City Council. If called up, the Council will also conduct a public hearing. If appealed, the Council will decide whether to hear the appeal and hold a public hearing. A notice is required 10 days prior to the hearing which will be held at the regular Council meeting, which meets the first and third Mondays of every month. Staff reports, Planning Commission findings, and any new information will be presented to Council for consideration.

The purpose of the hearing is to receive further public testimony, to review the application and consider the Planning Commission’s decision and conditions. Generally, the Council will make a decision at the conclusion of the hearing process, but may delay the decision for further information or action by the applicant. The Council will then adopt an order either approving or denying the application.

7. APPEALS

Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

8. FOR MORE INFORMATION

Call or write to City of Stayton Planning Dept., (mailing address) 362 N. Third Avenue, (building address) 311 N. Third Avenue, Stayton, Oregon 97383. (503) 769-2998; email: planner@stayton.org.

APPLICATION CHECKLIST FOR MINOR MODIFICATIONS TO APPROVED PLANS OR EXISTING DEVELOPMENTS

This checklist has been prepared to assist applicants in submitting an application that includes all the submission requirements in Sections 17.12.150. Please note that this checklist may paraphrase the requirements from the Code. It is the applicant's responsibility to read and understand the requirements of the Code. Review of an application will not begin until a complete application has been submitted. If you have questions, contact the Planning Department.

- ☐ Lot and block description or a metes and bounds description, marked Exhibit A.
- ☐ Certified List of Property Owners: A certified list of all property owners within 300 feet of the property on which the use is proposed, dated within 60 days of the date on which the application for conditional use is filed. Two copies of the list must be submitted on adhesive-backed mailing labels.
- ☐ Property Owner Authorization: If the applicant is not the owner of the property, the application must include written indication of the applicant's right to file the application. This may be a purchase and sale agreement, an option or other document that gives the applicant some legal interest in the property. If the applicant is to be represented by another individual (planning consultant, engineer, attorney) the application must be accompanied by a notarized statement certifying that the applicant's representative has the authorization of the applicant(s) to file the application.
- ☐ Three copies of a site plan at a scale of 1 inch equals not more than 50 feet with a north point, graphic scale, tax map number and tax lot number included and 12 reduced copies of the plan sized 11 inches by 17 inches.
 - The boundary lines of the parcel and area of the property in acres or square feet.
 - Original layout of site.
 - Proposed modifications
 - Any changes to utilities or off-site improvements
- ☐ Vicinity Map: The vicinity map may be drawn on the same map as the site plan. All properties, streets, and natural features within 300 feet of the perimeter of the parcel shall be shown on the vicinity map.
- ☐ Five copies of either a Transportation Assessment Letter or a Transportation Impact Analysis. A Transportation Impact Analysis is required if:
 - 1) The development generates 25 or more peak-hour trips or 250 or more daily trips.
 - 2) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
 - 3) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
 - 4) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as a school.

The Transportation Impact Analysis shall be based on the standards and requirements in Section 17.26.050. If a Transportation Impact Analysis is not required, a Transportation Assessment Letter shall be submitted that meets the requirements of 17.26.050.2.

BURDEN OF PROOF

This is a quasi-judicial application in which the applicant has the burden of proof. According to law, the applicant must present to the decision maker facts, evidence, analysis, and justification for each and every decisional criteria in order to carry out that burden of proof. It is important to remember that there is no assumption that the applicant is entitled to this approval. The burden of proof lies with the applicant to prove how the proposal complies with the land use ordinances, not with the City of Stayton.

Stayton Municipal Code Title 17, Land Use and Development Code is available online at:
<http://www.ci.stayton.or.us/code-17.html>



CITY OF STAYTON
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APPROVED PLANS OR EXISTING DEVELOPMENTS

PROPERTY OWNER: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

APPLICANT: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

APPLICANT'S REPRESENTATIVE: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

Name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

ENGINEERING

Name: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☐ owner ☐ applicant ☐ applicant's representative ☐ planning consultant ☐ engineer

LOCATION:

Street Address: _____

Assessor's Tax Lot Number and Tax Map Number: _____

Closest Intersecting Streets: _____

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: _____

ORIGINAL LAND USE APPLICATION TYPE AND FILE # _____

SIGNATURE OF APPLICANT: _____

DO NOT WRITE BELOW THIS LINE

Application received by: _____ Date: _____ Fee Paid: \$ _____ Receipt No. _____

Land Use File# _____

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.12.150.4. Please provide the following information in full and attach to this application as Exhibit B.

The information provided in the narrative statement will depend on the type of approval that was originally approved or would have been required (for developments in existence prior to enactment of the Code). See the following sections of the Stayton Land Use and Development Code for the approval criteria for the each type of land use application:

Conditional Use	Sect 17.12.190.4
Site Plan Review	Sect 17.12.220.5
Subdivision or Partition	Sect 17.24.050